

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOERON SMITH,
Plaintiff,

v.

TERRY PETERSON,
Defendant.

Case No. 18-cv-06817-KAW

**ORDER TO SHOW CAUSE; ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE**

Re: Dkt. No. 5

On November 8, 2018, Plaintiff Joeron Smith filed this case against Defendant Terry Peterson. (Dkt. No. 1.) Plaintiff filed a motion for leave to proceed in forma pauperis, which was denied on November 28, 2018 because it was incomplete. (Dkt. Nos. 2, 5.) The Court ordered Plaintiff to submit an amended IFP application or pay the filing fee by December 12, 2018. (Dkt. No. 5 at 2.) The Court's November 28, 2018 order, however, was returned as undeliverable on December 7, 2018. (Dkt. No. 6.) On December 19, 2018, the November 8, 2018 initial case management scheduling order was also returned as undeliverable. (Dkt. No. 7.)


Civil Local Rule 3-11(a) states that "a party proceeding pro se whose address changes while an action is pending must promptly file with the Court . . . a Notice of Change of Address specifying the new address." Civil Local Rule 3-11(b) permits the Court to dismiss a complaint without prejudice where mail directed to the "pro se party by the Court has been returned to the Court as not deliverable," and "the Court fails to receive within 60 days of this return a written communication from the attorney or pro se party indicating a current address." Thus, Plaintiff was required to file a Notice of Change of Address by February 5, 2019. To date, Plaintiff has not done so, and the Court notes that he also failed to file his case management statement in advance of the February 12, 2019 case management conference.

1 Accordingly, the Court ORDERS Plaintiff to show cause why his case should not be
2 dismissed, by **March 8, 2019**, by filing a Notice of Change of Address with his current address.
3 Also by March 8, 2019, Plaintiff shall file an amended IFP application or pay the filing fee.
4 Failure to timely respond and file all documents will result in the case being reassigned to a
5 district judge with the recommendation that it be dismissed without prejudice for failure to
6 prosecute.

7 Additionally, the February 12, 2019 case management conference is continued to **May 21,**
8 **2019** at 1:30 p.m., Courtroom 4, U.S. District Court, 1301 Clay Street, Oakland, California. Case
9 management statements are due on or before May 14, 2019.

10 IT IS SO ORDERED.

11 Dated: February 6, 2019


KANDIS A. WESTMORE
United States Magistrate Judge